



HC0019HAM001

LRB096 09129 RLC 38569 a

1 AMENDMENT TO HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT 19

3 AMENDMENT NO. ____. Amend House Joint Resolution
4 Constitutional Amendment 19 by replacing lines 3 through 23 on
5 page 1 and all of pages 2, 3, 4, and 5 with the following:

6 "RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
7 NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
8 SENATE CONCURRING HEREIN, that there shall be submitted to the
9 electors of the State for adoption or rejection at the general
10 election next occurring at least 6 months after the adoption of
11 this resolution a proposition to amend Section 8.1 of Article I
12 of the Illinois Constitution as follows:

13 ARTICLE I
14 BILL OF RIGHTS

15 (ILCON Art. 1, Sec. 8.1)
16 SECTION 8.1. CRIME VICTIM'S RIGHTS.

1 (a) To preserve and protect a victim's right to justice and
2 due process, a crime victim ~~Crime victims, as defined by law,~~
3 shall have the following rights ~~as provided by law~~:

4 (1) The right to be treated with fairness and respect
5 for the victim's ~~their~~ dignity and privacy ~~throughout the~~
6 ~~criminal justice process.~~

7 (2) The right to timely notification of court
8 proceedings and any related post-judgment proceedings.

9 (3) The right to notice and to a hearing before a court
10 ruling on an accused's request for access to any of the
11 victim's records, information, or communications which are
12 privileged or confidential by law.

13 (4) ~~(3)~~ The right to communicate with the prosecution.

14 (5) ~~(4)~~ The right to be heard in person or in any other
15 reasonable manner convenient to the victim at any plea,
16 sentencing, reduction or change in sentence, or other
17 proceeding in which a right of the victim is at issue ~~make~~
18 ~~a statement to the court at sentencing.~~

19 (6) ~~(5)~~ The right to review any written description of
20 the offense prepared for sentencing, reduction in
21 sentence, parole, early release or clemency and the
22 accused's prior criminal history ~~information about the~~
23 ~~conviction, sentence, imprisonment, and release of the~~
24 ~~accused.~~

25 (7) The right to be informed of the conviction, the
26 sentence, any post-judgment decision, any reduction of the

1 sentence, the imprisonment, and the release of the accused.

2 (8) ~~(6)~~ The right to timely disposition of the case
3 following the arrest of the accused, including related
4 post-conviction and post-judgment proceedings.

5 (9) ~~(7)~~ The right to be reasonably protected from the
6 accused throughout the criminal justice process.

7
8 (10) The right to have the safety of the victim and the
9 victim's family considered in denying or fixing the amount
10 of bail and release conditions for the accused and in
11 deciding any parole or post-judgment release decision.

12 (11) ~~(8)~~ The right to be present at the trial and all
13 other court proceedings ~~on the same basis as the accused,~~
14 ~~unless the victim is to testify and the court determines~~
15 ~~that the victim's testimony would be materially affected if~~
16 ~~the victim hears other testimony at the trial.~~

17 (12) ~~(9)~~ The right to have present at all court
18 proceedings, subject to the rules of evidence, an advocate,
19 a victim-witness specialist, or other support person of the
20 victim's choice.

21 (13) ~~(10)~~ The right to restitution.

22 (b) Definition. For the purposes of this Section, the term
23 "crime victim" means a person directly and proximately harmed
24 as a result of the commission of a criminal offense. In the
25 case of a crime victim who is under 18 years of age,
26 incompetent, incapacitated, or deceased, the legal guardians

1 of the crime victim or the representatives of the crime
2 victim's estate, family members, or any other persons appointed
3 as suitable by the court may assume the crime victim's rights
4 under this Section, but in no event shall the accused be named
5 as such guardian or representative.

6 (c) A victim, a lawful representative of the victim
7 including the victim's lawyer, or the prosecuting attorney upon
8 request of the victim may assert the rights enumerated in
9 subsection (a) in any circuit or appellate court with
10 jurisdiction over the case as a matter of right. The court
11 shall act promptly on such a request.

12 ~~(b) The General Assembly may provide by law for the~~
13 ~~enforcement of this Section.~~

14 (d) ~~(c)~~ The General Assembly may provide for an assessment
15 against convicted defendants to pay for crime victims' rights.

16 (e) ~~(d)~~ Nothing in this Section or in any law enacted under
17 this Section shall be construed as creating a basis for
18 vacating a conviction. This Section does not create any cause
19 of action for compensation or damages against the State, any
20 political subdivision of the State, any officer, employee, or
21 agent of the State or of any of its political subdivisions, or
22 any officer or employee of the court ~~or a ground for appellate~~
23 ~~relief in any criminal case.~~

24 (Source: Amendment adopted at general election November 3,
25 1992.)

1 SCHEDULE

2 This Constitutional Amendment takes effect upon being
3 declared adopted in accordance with Section 7 of the Illinois
4 Constitutional Amendment Act.".